

City of Taylorsville  
Planning Commission Meeting  
Minutes  
Tuesday – May 9, 2006 – 7:00 P.M.  
2600 West Taylorsville Blvd – Council Chambers

**Attendance:**

**Planning Commission**

Kristie Overson, Chair  
Ted Jensen  
Scott Bolton  
Blaine Smith  
Angelo Calacino  
Robert Daniels  
Joan Rushton-Carlson  
**Excused:** Dama Barbour

**Community Development Staff**

Mark McGrath, Director  
Michael Maloy, City Planner  
Dan Udall, City Planner  
Nick Norris, City Planner  
Jean Gallegos, Admin Asst/Recorder

**PUBLIC:** James Donivan, Donovan Niitsuma, Val Jensen, Brent Overson, Charles Kondor, Jeannine Kondor, Spencer Colby, Mike Davey, Kevin S. Kleinman, Kevin Horrocks, Phillip Starnman.

[19:08:03](#)

**WELCOME:** **Commissioner Overson** welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m. She outlined the items on the Consent Agenda and asked if there were anyone in the audience wishing to speak to any of them. There being none, the consent agenda was opened for a motion.

**CONSENT AGENDA**

1. Minutes for February 14, 2006	Approved as presented.
<del>2. 13C06 – Donovan Niitsuma, 4984 S. Redwood Road – Dog Kennel (Nick Norris/City Planner)</del>	<del>Removed from Consent Agenda for questions by the audience.</del>
3. 13H06 – James Donivan, 5722 South Easton Street – Crafts Home Occupation. (Michael Maloy/City Planner)	Approved with staff recommendations (on file).
4. 15C06 – Charles Kondor, 2419 W. Blanck Circle – Animal Hobby Permit. (Michael Maloy/City Planner)	Approved with staff recommendations. (On File)
5. 15H06 – Liz Hall, 5664 S. Bree Street – Mortgage Loan Officer. (Dan Udall/City Planner)	Approved with staff recommendations. (On File)

**Commissioner Overson**, having been informed by citizens in the audience that they had questions on Agenda #2, File 13C06, it was pulled from the consent agenda to be heard during regular session. She then requested a motion for the Consent Agenda – Items 1, 3, 4 and 5.

**MOTION:** **Commissioner Rushton-Carlson 19:11:48** – I move for approval of Items 1, 3, 4 & 5 subject to conditions outlined and adding a condition for Item 3 that the home occupation is reviewable upon verifiable complaint.

**SECOND:** **Commissioner Daniels**

**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

**CONDITIONAL USE**

2. 13C06 <b><u>Donovan Niitsuma, 4984 South Redwood Road</u></b> – Conditional Use Review for a Kennel. (Nick Norris/City Planner)
2.1 <b><u>MR. NORRIS</u></b> oriented on the site plan, aerial map and images. The applicant is requesting approval to locate a dog kennel within a commercial building at 4984 South Redwood Road. The property is zoned C-2 and a dog kennel is a conditional use with that zone. <a href="#">19:13:57</a> <b><u>Staff recommends approval provided the applicant complies with all applicable requirements.</u></b>

2.2 **APPLICANT ADDRESS:** Donovan Niitsuma was present to answer questions. Mr. Niitsuma advised that if noise is a concern, he would put in a noise suppression system.

2.3 **SPEAKING:** Val Jensen (4959 S. 1815 W.) Mr. Jensen advised that the notice he received in the mail apparently had a typographical error on it which indicated this business would be located next to a restaurant. However, he later determined that in fact this business would not be so located. He advised that a few years ago there was a kennel on that site but that the animals were kept outside and it was not a problem, however, this use would be inside and he was concerned over the noise.

2.4 **CLOSED FOR PLANNING COMMISSION DISCUSSION OR A MOTION.**

2.5 **DISCUSSION:** Commissioner Overson said she had no issues with this because it is closely regulated by both the City of Taylorsville and the Salt Lake County Health Department. Commissioner Smith felt there was a need for this type of facility and was supportive as long as it was kept clean and odor free.

- 2.6 **MOTION:** Commissioner Bolton - I move for approval of Application 13C06, based on findings and facts outlined in the staff report and public comment heard this evening. 19:21:23  
**SECOND:** Commissioner Daniels  
**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

Commissioner Overson announced that Items 6 and 7 would be heard together, after which she excused herself from hearing these items due to conflict of interest in that her husband is the developer. She also advised that she did not participate in the pre-meeting session. Commissioner Jensen assumed duties of Chair for these two items and Commissioner Overson left the room. 19:22:48

**GENERAL PLAN AMENDMENT**

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| 6. 2G06 | <b><u>Recommendation to the City Council to Amend the 4800 South Small Area Master Plan to Allow a Zone Change from A-2 to A-1.</u></b> (Nick Norris/City Planner) |
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**ZONING AMENDMENT**

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| 7. 5Z06 | <b><u>Recommendation to the City Council to Amend the Zoning Map from A-2 to A-1.</u></b><br>Applicant – Brent Overson, 5120 South 1130 West. (Nick Norris/City Planner) |
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19:23:28

6.1 **Mr. Norris** oriented on the site plan and aerial map. The applicant is requesting an amendment to the 4800 South Small Area Master Plan wherein it says that the current zoning within the plan area should be maintained. The 1.01 acre piece of property is currently zoned A-2, wherein the minimum lot size is one acre. The applicant is requesting the General Plan amendment to facilitate a subdivision of the property. To subdivide the property, the zoning must be changed to a zone that allows a smaller lot size. The applicant has also submitted a zoning map amendment (Agenda Item #7) to change the zoning from A-2 to A-1 with a zoning condition that would limit the lot size to a half acre.

**Staff recommends the Planning Commission gives a positive recommendation to the Taylorsville City Council to change the 4800 South Small Area Master Plan so that zone changes are allowed on the property, based on the following reasons:**

1. The proposed pattern of development is consistent with the 4800 South Small Area Master Plan.
2. The amendment does not adversely impact the surrounding neighborhood.

**Staff recommends that the Planning Commission forwards a positive recommendation to the Taylorsville City Council regarding Application 5Z06 based on the analysis, findings of fact and staff's conclusions. Findings of Facts:** (1) There is A-1 zoned property to the north and east of this property. (2) The requested zoning amendment is consistent with the 4800 Small Area Master Plan. (3) The property could not be subdivided further (into lots under a half acre in size) due to the existing zoning regulations (13.40.090) and the status of the private road. (4) The proposed lot size is consistent with other lots in the vicinity. Commissioner Daniels asked if there were any occupied structures on the parcel and Mr. Norris advised there was one home and that lot would remain unchanged. 19:28:37

6.2 **APPLICANT ADDRESS:** Brent Overson (1062 W. Stanley Glen Lane). Mr. Overson advised that he is representing the property owners who currently live in the home on the property and who are present tonight. That he would answer questions from the Commission if there were any.

6.3 **SPEAKING**: None.

6.4 **CLOSED FOR DISCUSSION OR A MOTION BY THE PLANNING COMMISSION**:

- 6.5 **MOTION**: **Commissioner Rushton-Carlson** – I recommend we approve Agenda Numbers 6 (File #2G06) and 7 (File Number 5Z06), based on the findings and facts and recommendations of staff, to allow both the amendment to the 4800 South Small Area Master Plan and the zoning map amendment from A-2 to A-1 with the stipulation that there be no more than two lots on that subject property. 19:31:16  
**SECOND**: **Commissioner Smith**.  
**Mr. Norris** asked for clarification of the motion on whether it includes the zoning limiting the minimum lot size to half acres. **Commissioner Rushton-Carlson** advised that it did. 19:32:26  
**Commissioner Jensen** restated the motion - We have a positive motion for 2G06 to the Taylorsville City Council amending the 4800 South Small Area Master Plan to allow zoning changes on the subject property. The Small Area Master Plan and zoning map amendment from A-2 to A-1, including the zoning condition and limitation that there will not be more than two lots on the property.  
**VOTE**: All Commissioners present voted in favor. Motion passes unanimously.

**CONDITIONAL USE**

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| 8. 17C06 | <b><u>Robert Larsen, 3457 West 4700 South</u></b> – Four Lot Residential and Office Development in the MD-1 Zone. (Preliminary) (Nick Norris/City Planner) |
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**Mr. Norris** advised the Planning Commission that Mr. Larsen had asked for continuation of this item to a later date.

**SUBDIVISION**

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| 9. 9S06 | <b><u>Robert Larsen, 3457 W. 4700 S.</u></b> – Four-Lot Subdivision (Office and Residential). (Preliminary) (Nick Norris/City Planner) |
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**Mr. Norris** advised the Planning Commission that Mr. Larsen had asked for continuation of this item to a later date.

19:33:52 **Commissioner Overson** returned at this point and assumed duties as Chairman. She advised that Items 10 and 11 would be heard together.

**CONDITIONAL USE**

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| 10. 16C06 | <b><u>Michael Davey, 6579 S. 3200 W.</u></b> – New LDS Church Facility (Preliminary). (Dan Udall/City Planner) |
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square foot church building on this site, along with a two-lot subdivision. The lots are 2.98 and 3.75 acres. The LDS Church desires to keep the 2.98 acre site adjacent to 3200 West and build the church on this property. The eastern lot is proposed to be sold to a developer. The entire property is zoned R-1-8.

**Staff recommends approval with the following findings of fact**: (1) The proposed project with conditions meets the current General Plan; (2) The proposed project with conditions meets the Zoning Ordinance and the Zoning Map.

**Staff recommends that the preliminary conditional use be approved subject to the following conditions**:

1. Receive approval from and remain compliant with all applicable reviewing agencies.
2. That site lighting is designed to be oriented from shining upon any adjacent residences.
3. That lighting, walls, colors, building materials, etc., match or compliment the overall design of the project.
4. That the Church site receives storm drain approval from City Engineering and that any storm drain fees are submitted to the City.
5. That any signage must comply with City Sign Ordinances.

6. That the Planning Commission approves the final conditional use permit and will review the material board, the elevation architectural drawings, the detailed landscaping plans delineating planting locations and species and lighting fixtures.
7. That a dumpster is provided on site and meets all City Ordinances. The walls of the dumpster should match the building. That the storage shed is architecturally compatible to the Church.
8. That any mechanical equipment at ground level is screened by a wall that matches the colors, building materials and architecture of the building.
9. That any mechanical equipment on the roof of the building is screened or positioned so that it is not visible from ground level.
10. That pedestrian and vehicle access is provided to the Church site from Himalaya Way when the eastern property is developed.
11. When Himalaya Way is extended to the south, that the property owner of the Church will maintain the improvements along the west side of Himalaya Way (curb, gutter, sidewalk and par strip), or the future developer or property owner to the east is required to maintain the improvements along the west side of the street through a landscape maintenance agreement. This agreement will need to be provided to the City.
12. That the 6' high chain link fence along the north property line is open and is vinyl coated. That the 6' high chain link fence along the east property line is vinyl coated with vinyl slats.
13. That a portion of the vinyl fence along the east side of the property is removed when Himalaya Drive extends to the south. The reasons should be to avoid a double frontage lot, provide vehicle and pedestrian access and remove an unnecessary barrier.
14. That bicycle racks are provided on the Church site.
15. That landscaping extends to the east approximately 6' on the southwest side of the Church site where a parking stall is proposed that currently does not comply with City Ordinance.
16. That all handicapped parking stalls meet Federal and City regulations.

**Mr. Udall** advised that the applicant is proposing to install a fence on the east side, which would create a double frontage lot, which is prohibited under the subdivision ordinance. The only exception is where unusual conditions make other designs undesirable. [19:39:01](#) He continued to say they intended to block off the use to the church with a barrier to the rear of the church. When that road is extended, Staff is recommending that they remove a portion of the fence to allow access to that road. One other issue in regards to the road is when it does extend, that park strip and the curb, gutter and sidewalk needs to be maintained. The applicant expressed that once the developer develops the eastern lot, a home owner's association will maintain that park strip along the church as well as the curb, gutter and sidewalk. Therefore, a maintenance agreement will need to be submitted to the City. Staff also feels that fence along the north side should be open type fencing because there is already a 30' wide open space area with a walkway and a vinyl fence along the south side of the single family homes. The applicant has not proposed any landscaping plans for submission to the Planning Commission for final review.

**Staff recommends approval of the preliminary simple subdivision with the following findings:** (1) The proposed project with conditions meets the current General Plan; (2) The proposed project with conditions meets the zoning Ordinance and the Zoning Map. **Staff recommends that the preliminary subdivision be approved subject to the following conditions:**

1. That the subdivision receives final plat approval from City Staff.
2. That the subdivision is recorded by plat and that the plat complies with City Ordinance 12.16.010 or it is approved as a metes and bounds description.
3. That any subdivision amendments proposed after the initial recordation are reviewed and approved by the Planning Commission.

10.2 **APPLICANT ADDRESS:** [19:42:00](#) **Mike Davey** (Representing the Church of Jesus Christ of Latter Day Saints). **Mr. Davey** wanted to clarify a couple of issues in that this will be the Heritage style and not Traditional style building. Within the Heritage series there are four styles and the Church has not chosen which one they will use yet. The applicant expressed concerns having of the drive through situation from the subdivision. The Church would prefer that not to happen as it creates a liability issue. They felt the green space would provide a nice area for the people to walk alongside of the church. Another problem is perceived vandalism/tagging if a solid wall is used. **Commissioner Rushton-Carlson** asked if a vehicle access for use on Sunday could be installed when the street is opened. [19:44:47](#) **Commissioner Daniels** wanted to know the capacity of the proposed structure and if it related appropriately to the amount of parking. **Mr. Davey** said that the City Ordinance required 75 and the Church wants to have 200 stalls to accommodate the overlapping between the meeting times of the different wards. **Commissioner Daniels** commented that it was basically a parking for Sunday use only. He also wanted to know if the Church might consider any alternative to asphalt. **Mr. Davey** said that general policy for these structures is to provide asphalt surface parking.

- **Commissioner Smith** [19:47:36](#) wanted to know if the Church had consulted with the local home owner's association for access through the Church area and suggested it would be nice to include at least a pedestrian access. **Mr. Davey** said that discussion had not happened.
- **Commissioner Overson** asked if any thought had been given to placing the church nearer the subdivision and further away from 3200 West. [19:48:58](#) **Mr. Davey** said that had been discussed but not developed between the two options. **Commissioner Overson** commented that while she understood the safety concerns of the Church but felt that there were adequate safety measures available to control traffic from cutting through. She was in favor of an access on the east side, especially one for pedestrians and wondered why the vacant portion could not be towards the street instead of the church facility.
- **Commissioner Bolton** [19:49:16](#) discussed the possibility of future extension of Himalaya Way saying that Ivory Highlands has 400 plus residents some of which would be going to this church and felt it would be better to have an access through the neighborhood and not off 3200 West. **Mr. Davey** felt that would elevate the problem of cut through traffic and the Church is very concerned about providing adequate security on its' sites and if that requirement is placed, the Church would probably reevaluate this proposal. [19:50:45](#)
- **Commissioner Calacino** said while he understands the Church's concerns for security, the City has to address liability issues of forcing users to enter and exit through one entrance off 3200 West. He expressed disappointment that the Church is turning its back on the community in not wanting to open access. He also had issues with the home owner's association having to maintain the park strip and felt it should be the responsibility of the Church. He was strongly in favor of having an access to the east. He added that he was not in favor of this proposal for those reasons. **Commissioner Calacino** suggested moving the dumpster to the southeast corner of the site as a better fit for the site.
- **Commissioner Daniels** was strongly in favor of the applicant taking a second look at being more open to and inclusive of people in the surrounding area.

10.3 **SPEAKING:** None.

10.4 **CLOSED FOR DISCUSSION OR A MOTION BY THE PLANNING COMMISSION:**

10.5 **MOTION (16C06):** **Commissioner Calacino** [20:00:45](#) - Based on the analysis in the staff report and findings of fact and testimony presented, I would recommend preliminary approval be granted for conditional use permit 16C06 for a new LDS church at 6579 South 3200 West based on testimony, analysis and outlined recommendations by staff. I would reiterate and clarify that there should be a pedestrian and vehicular access to Himalaya Way when that is developed. If there is a fence, it should be open, with access provided. Maintenance of the park strip, etc., along that extension of Himalaya Way should be maintained by the Church just as the portion of 3200 West will be. It is a common practice that property owners maintain the sidewalk and park strip in the front of their property. I would also recommend that the storage building and trash dumpster be repositioned to the southeast corner of the property rather than the northeast corner, in order to open up and maintain the architecture and landscape aesthetic quality of the north property line.

**SECOND:** **Commissioner Daniels**

**MOTION (8S06):** **Commissioner Calacino** - I recommend that the two lot subdivision application, 8S06 also be approved with the understanding that the remaining three acre parcel will eventually be developed as residential and the extension of Himalaya Way will be constructed at that time. I still feel that extension should be developed with this church structure, but the future timing will do the same thing in that it is constructed when the subdivision is done.

**SECOND:** **Commissioner Daniels.**

**Commissioner Overson** restated the motions saying that there is a motion to grant preliminary approval to File 16C06 and 8S06 with staff recommendations, with modifications made by Commissioner Calacino. [20:02:45](#) **Commissioner Overson** then asked if there were something mentioned about curb, gutter and sidewalk in front of the building or extending the paved asphalt. **Mr. Udall** advised her that had just been a suggestion and not a condition. **Commissioner Calacino** said the standard curb, gutter and sidewalk improvements should be placed along Himalaya Way and 3200 West primarily because the perimeter walkway that is asphalted around Ivory Highlands Subdivision is continuous and doesn't necessarily need to continue in front of this church facility, similar to the church located on 2700 West where the trail system around the subdivision makes a turn on the north side of it. One reason for his

recommendation to have access from Himalaya Way is (1) The development should not turn its' back on the subdivision it will more than likely primarily serve; (2) It is a public street and should be addressed as such and if there is concern about cut through both pedestrian and vehicular, I would suggest installation of gates to be opened for Sunday services. That at least appears to be open to and serves the community.

**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

#### **SUBDIVISION**

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| 11. 8S06 | <b><u>Michael Davey, 6579 S. 3200 W.</u></b> – Two-Lot Subdivision. (Preliminary).<br>(Dan Udall/City Planner) |
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Heard with Agenda Item #10.

#### **DEEP LOT**

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| 12. 4D06 | <b><u>Oak Ridge Homes, Inc., 1450 West 6235 South</u></b> – Deep Lot Development (One Deep Lot).<br>(Michael Maloy/City Planner) |
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**MOTION:** Commissioner Calacino 20:07:01 I move to adjust the agenda and hear item #12 ahead of #12 to allow the applicant time to arrive.

**SECOND:** Commissioner Daniels

**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

Item was subsequently heard at 20:39:53

12.1 **Mr. Maloy** oriented on the site plan, aerial map and images. The applicant has submitted a deep lot development permit to construct a single-family residence on this site which contains 14,256 square feet and which will be accessed by a 20' wide private drive from 6235 South. **Staff recommends preliminary approval with the following conditions:**

1. Receive approval from all applicable agencies of the City such as the City Engineer, Unified Fire Authority, Building Division, etc.
2. Deep Lot Permit Policy as adopted by the Taylorsville City Council.
3. Applicant shall provide an unobstructed access road with a minimum width of 20 feet and an emergency vehicle turnaround compliant with regulations adopted by the Uniform Fire Authority.
4. Property owner shall remove junk, debris and weeds from lot prior to issuance of development permit.
5. Under the direction of the P.C. staff shall administrate final review of Deep Lot Development Permit.
6. **[Added by Motion] To include proof of recorded easement, including the hammerhead configuration.**

12.2 **APPLICANT ADDRESS:** **Kevin Kleinman** (Contractor for Oak Ridge Homes). 20:47:43 He advised the information he received from Roger Wood, the current property owner, indicates that parcel already has easements in place. The vinyl fence is inside the 20' easement and the property line is actually on the other side of the irrigation ditch and the decision was made to install the fence along the west side rather than the east side for those reasons.

12.3 **SPEAKING:** None.

12.4 **CLOSED FOR DISCUSSION OR A MOTION BY THE PLANNING COMMISSION:**

12.5 **MOTION:** Commissioner Calacino 20:50:59 - Based on what has been presented this evening, we need to only address one item and that is the access. Proof that the access easement exists and it will more than likely need to be modified to account for the configuration of the hammerhead. I would like to go on record saying that I believe proof of the easement needs to be provided to the City and it should be modified to account for the easement because I think whoever owns the property now or in the future needs to be aware that there is an emergency turn around easement which needs to be maintained unobstructed at all times and if the easement is recorded on the property that they will be aware of that. I have seen a lot of people take them out or build over the top of them because they are not aware that needs to be maintained unobstructed at all times. I don't think the current easement has the hammerhead configuration included in it. Other than that, based on



analysis and oral testimony, the application should be approved based with staff's recommendations and including the item I previously mentioned.

**SECOND: Commissioner Daniels.**

**DISCUSSION:** Commissioner Rushton-Carlson asked if the hammerhead needs to be paved and Mr. Maloy advised her that it needed to be paved or install some surface suitable to Fire Department regulations. Commissioner Overson wanted to clarify that the motion by Commissioner Calacino includes five staff recommendations, with the additional conditional to include proof of easement being recorded, including the hammerhead configuration, to which Commissioner Calacino agreed.

**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

### **ZONING TEXT CHANGE**

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| 13. 7Z06 <b>City of Taylorsville</b> – Recommendation to the City Council for a Text Amendment (13.40.210) Regarding Animal and Fowl Restrictions. (Nick Norris/City Planner) |
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20:07:35

13.1      **Mr. Norris** advised that the City of Taylorsville recently began an enforcement action against a property owner who is keeping pigeons on his property in an R-1-7 zone. The regulations of the R-1-7 zone require a conditional use permit for pigeons. The applicant submitted an application for a conditional use permit, however, upon review of that application, it was discovered that Ordinance 13.40.210 requires that animals be kept at least 40 feet from an adjacent dwelling and at least 40 feet from a public right-of-way. The property owner felt that this requirement severely restricted where on his property he could keep a pigeon coop/loft. The applicant then withdrew his application. After that time, the property owner contacted his City Council representative and provided a packet of information regarding the type of pigeons (racing) that he has on his property and requested the City change the zoning ordinance to reduce the distance requirement found in Ordinance 13.40.210 from 40 feet to 25 feet. Staff does not feel that the Planning Commission should forward a recommendation on the proposed ordinance submitted by a concerned resident because many of the regulations are already in place under the Health Department codes and because reducing the setback from 40 feet to 25 feet as outlined in the proposed ordinance may increase the impact due to animals other than pigeons. **Staff does recommend that the Planning Commission forwards a positive recommendation to the Taylorsville City Council regarding File #7Z06 and applicant's proposal, because adopting regulations that already exist is redundant and unnecessary and allowing the distance from an adjacent dwelling to be reduced to 20' with a conditional use permit allows the City some discretion on where pens, corrals, stables, etc., can be placed if the impacts from noise, odor, etc., can be mitigated.**

13.2      **APPLICANT ADDRESS:** The applicant, **Kevin Horrocks**, was present for questions. He advised he had about 60 pigeons and that they are trained to either be flying or remain inside the coop.

13.3      **SPEAKING:**

1. **Phillip Starnman** (lives in West Jordan). **Mr. Starnman** advised that he was the one who had supplied the packet to Kevin Horrocks. He had worked with West Jordan City for almost a year to get them to adopt a similar ordinance. He wanted to address the issue of 40' distance requirement from any dwelling and did not feel that should include the person who has the pigeon loft or dog kennel, because on his property that would have been impossible. His loft is located 10' away from his house because there is no other place on the property to locate it. He felt that should specify "any neighboring residence". **Mr. Norris** said that the way he read the Ordinance, it says that it does say from any dwelling on an adjacent parcel. **Mr. Starnman** then commented that people can have their dog kennels right on the property line, yet when it has to do with pigeons, the requirement exists to keep them 40' away from any residences and felt that was not fair. 20:15:20 **Commissioner Smith** said that other types of animals don't drop their manure on other people's property but that cannot be controlled with pigeons. 20:15:57 **Mr. Starnman** advised that pigeons do not defecate while flying, only when they are perched. That his pigeons are always in the air or in the loft and never land on anyone else's property. They are raised for the sole purpose of competitive racing. 20:17:41 **Commissioner Daniels** cited a personal example wherein a pigeon had defecated on him while in flight and **Mr. Starnman** said the bird must have been sick, because that is not normal. 20:19:23 **Commissioner Jensen** wanted to know if all the birds are registered and banded and **Mr. Starnman** advised they were. 20:22:03 **Commissioner Daniels** asked about the noise generated and said as long as it doesn't exceed 70 decibels, it was within allowable range.
2. **Charlie Henderson**. His residence is in full view of the pigeons and the coop and he has filed a complaint against that use being allowed in the neighborhood. 20:25:14 He said when he moved to

his home, it was mostly to be able to enjoy his patio and the pigeons have impacted that because they do land on other properties and he can no longer use his yard as he would like to. He was concerned about the health risks involved with these birds.

13.4 **DISCUSSION:**

- **Commissioner Overson** advised that this item is not specific for one person but is a text amendment for the whole City and wanted to know if a positive recommendation to the City Council is given tonight by the Planning Commission, would the applicant need to get a permit. **Mr. Norris** advised that regardless of what happens with this ordinance, pigeons in all residential zones require conditional use permit approvals. **Commissioner Overson** then asked if the applicant currently has a permit and **Mr. Norris** said that he did not. **Commissioner Overson** commented that means that whether this recommendation is positive or not, the applicant still needs to obtain a permit to be heard before this Commission. [20:31:29](#)
- **Commissioner Jensen** [20:31:52](#) felt it was very appropriate to have a conditional use permit in place, which would perhaps alleviate the concerns of the neighbors. He felt it was appropriate to make the suggested change in 13.40.210. **Commissioner Jensen** also would like to recommend to the City Council that a statement be added to Section 8.24.60 which covers animals running at large to indicate that this does not include registered, banded pigeons, which would give the pigeons the ability to be let loose and also goes back to the conditional use permit where that use can be regulated.
- **Commissioner Overson** [20:33:11](#) asked staff if the Commission would be procedurally correct in making changes to another ordinance which was not on the agenda. **Mr. McGrath** advised that the State Code requires a public hearing be held, which does not indicate it must be before the Planning Commission or the City Council. Therefore, the Commission can make a recommendation to the City Council and then when the public hearing is advertised for the City Council, that amendment can be added.
- **Commissioner Rushton-Carlson** [20:33:47](#) asked for clarification from staff. Current City Ordinances say the City-County Health regulations cover the changes being proposed this evening other than for the conditional use permit requirement on an individual basis. **Mr. Norris** said his opinion is that they do, either through the conditional use process in placing conditions on uses that pose a detrimental impact, such as odor, noise, etc. Also, Health Department regulations do specifically address certain items that deal with pigeons, as far as maintenance of the coop and cleaning up after them, etc. [20:34:15](#) **Commissioner Rushton-Carlson** asked if staff's recommendation is that the ordinance in place be maintained and just add a paragraph requiring a conditional use on each individual hearing? **Mr. Norris** advised that right now a conditional use permit is already required for pigeons. The proposal being presented tonight essentially says that the distance can be reduced where an animal is kept from an adjacent dwelling as part of that conditional use approval. [20:35:40](#) Specifically the following change would be made to paragraph 13.40.210 – Animal and Fowl Restrictions: “No animals or fowl shall be kept or maintained closer than forty feet (40’), **or 20 feet with a conditional use permit**, from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than forty feet (40’) from any street.

13.5 **CLOSED FOR DISCUSSION OR A MOTION BY THE PLANNING COMMISSION**

- 13.6 **MOTION:** [20:36:57](#) **Commissioner Jensen** - I will make a motion for a positive recommendation for the text change relating to animal and fowl restriction, Item 7206, with 13.40.210 being reworded as discussed and with a recommendation to the City Council that they consider changing Section 8.24.60 on Animals Remaining at Large, to include the sentence, “This does not include registered, banded pigeons”.  
**SECOND:** **Commissioner Calacino**  
**VOTE:** All Commissioners present voted in favor. Motion passes unanimously.

**MEETING REVIEW:** **Commissioner Overson** briefed the Commission regarding events taking place during the last City County meeting.



**OTHER BUSINESS:** [20:53:19](#) **Commissioner Calacino** suggested that the 4800 South Small Area Master Plan warrants a thorough review and suggested scheduling the second meeting in June of every year to review the master plans.

**ADJOURNMENT:** [20:54:43](#) By motion of **Commissioner Calacino**, the meeting was adjourned at 9:00 p.m.

Respectfully submitted by:

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Jean Gallegos, Administrative Assistant to the  
Planning Commission

Approved in meeting held on July 10, 2006.